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June 5, 2008

Via Hand Delivery

Honorable Richard M. Berman
United States District Judge, SDNY
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED
P. 2

Re: Mark Kapiti v. Raymond W. Kelly, et al., 07 Civ. 3782 (RMB) (KNF)

Your Honor:

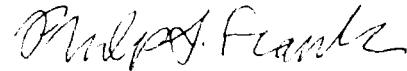
I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the above-referenced matter on behalf of defendants City of New York, Police Commissioner Raymond W. Kelly, and the Property Clerk of the New York City Police Department ("City defendants"). In that regard, third-party plaintiff City of New York (the "City") writes to respectfully request that the Court (1) extend the deadline to submit opposition papers to third-party defendant American Honda Finance Corporation's ("American Honda") motion to dismiss the third-party complaint until July 1, 2008; and (2) extend American Honda's deadline to submit reply papers until July 8, 2008. Counsel for American Honda consents to this request. This is the City's second such request.

As background, by Order, dated May 29, 2008, Your Honor extended the City's time to respond to American Honda's motion to dismiss the third-party complaint from May 29, 2008 until June 6, 2008. Discovery closed in the instant action on May 30, 2008, and the parties worked diligently to complete discovery within the guidelines set by the Court. Depositions in this case were completed last week. However, despite my best efforts, I am unable to complete the City's opposition papers by the Court imposed deadline of June 6, 2008. Moreover, I will be out of the office and out of the country on previously scheduled business and personal matters until June 18, 2008. Thus, I respectfully request the Court's indulgence this last time and request that the Court grant a further extension of time to submit its opposition papers.

Accordingly, the City respectfully requests that the Court (1) extend the City's deadline to submit its opposition papers to third-party defendant American Honda Finance Corporation's motion to dismiss the third-party complaint until July 1, 2008; and (2) extend American Honda's deadline to submit reply papers until July 8, 2008.

I thank the Court for its consideration herein.

Respectfully submitted,




Philip S. Frank (PF-3319)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **Via Facsimile (212) 297-0777**

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<u>Application granted.</u>	
<u>Opposition due by 7/1/08.</u>	
<u>Reply due by 7/11/08. Deadlines</u>	
<u>are final.</u>	
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SO ORDERED:	
Date: <u>6/6/08</u>	
Richard M. Berman, U.S.D.J.	